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Message: Enclosed herewith: <ul style="list-style-type: none">• Transmittal Document; and• Appeal Brief.	
Re: Application No. 09/492,437 Attorney Docket No: AT9-99-483	
Date: Monday, March 07, 2005	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Amro et al.

Serial No.: 09/492,437

Filed: January 27, 2000

For: Instant Selective Multiple Soft Document Sharing Between Multiple Heterogeneous Computing Devices

39698

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

Group Art Unit: 2143

Examiner: Nguyen, Phuoc H.

Attorney Docket No.: AT9-99-483

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By:

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Appeal Brief (37 C.F.R. 41.37).

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Respectfully submitted,

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Docket No. AT9-99-483

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of: Amro et al.

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§ Group Art Unit: 2143

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§ Examiner: Nguyen, Phuoc H.

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MAR 07 2005

Commissioner for Patents
P.O. Box 1450
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<p><u>Certificate of Transmission Under 37 C.F.R. § 1.8(a)</u> I hereby certify this correspondence is being transmitted via facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number (703) 872-9306 on March 7, 2005.</p> <p>By: <u>Michele Morrow</u> Michele Morrow</p>

APPEAL BRIEF (37 C.F.R. 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on January 5, 2005.

The fees required under § 41.20(B)(2), and any required petition for extension of time for filing this
brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

(Appeal Brief Page 1 of 29)
Amro et al. - 09/492,437

REAL PARTY IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation.

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YEE & ASSOCIATES

PAGE 05

RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

(Appcal Brief Page 3 of 29)
Amro et al. - 09/492,437

STATUS OF CLAIMS**A. TOTAL NUMBER OF CLAIMS IN APPLICATION**

Claims in the application are: 1-29

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: NONE
2. Claims withdrawn from consideration but not canceled: NONE
3. Claims pending: 1-29
4. Claims allowed: NONE
5. Claims rejected: 1-29
6. Claims objected to: NONE*

* The Advisory Action dated January 21, 2005 indicates that the Appellants' Response filed December 6, 2004 overcomes the 35 U.S.C. § 112, 1st paragraph rejection. Thus, Appellants' assume the objection to the amendments filed on July 16, 2004 under 35 U.S.C. § 132 is also overcome. That is, the objection under 35 U.S.C. § 132 was to the same subject matter rejected under 35 U.S.C. § 112, 1st paragraph.

C. CLAIMS ON APPEAL

The claims on appeal are: 1-29

STATUS OF AMENDMENTS

There are no amendments after the final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER***Independent claim 1:***

The presently claimed invention provides a system for providing dynamically shared documents. (Specification, page 2, lines 8-10) The present invention comprises a hub, wherein the hub is not connected to any external network. (Specification, page 4, lines 24-48) The present invention comprises a plurality of computing devices in physical proximity with the hub. (Specification, page 7, line 30 to page 8, line 5) Wherein each of the plurality of computing devices communicates with the hub via only a wireless connection. (Specification, page 8, lines 6-9) The hub receives and retransmits requested documents between selected computing devices of the plurality of computing devices. (Specification, page 8, line 28 to page 9, line 4) Each of the plurality of computing devices translates each requested document into a system independent language prior to transmitting the requested document to the hub. (Specification, page 9, lines 4-7) Each of the plurality of computing devices translates each received document from the hub. (Specification, page 9, lines 7-11)

Independent claims 11, 15, and 19:

The presently claimed invention provides a method, computer program product and system for retrieving documents from other data processing systems. (Specification, page 18, line 29 to page 19, line 1) The present invention sends, from a first data processing system, a request, in a system independent language, for a shared document from a second data processing system to a hub in close proximity to the first and second data processing systems via only a wireless communication signal, wherein the hub is not connected to any external network. (Specification, page 18, line 29 to page 19, line 1). The present invention receives, from the hub, via only the wireless communication link, the shared document, formatted in the system independent language. (Specification, page 19, lines 6-7). The present invention translates the shared document from the system independent language into a first data processing system preferred data format for presentation to a user. (Specification, page 19, lines 7-13).

The means recited in independent claim 19, as well as dependent claims 20-22, may be data processing hardware within laptop computer 104, PDA 110 or hub 102 operating under control of software performing the steps described in the specification at page 17, line 23, to page 19, line 29, or equivalent. A person having ordinary skill in the art would be able to derive computer instructions on a computer readable medium as recited in claim 15, as well as dependent claims 16-18, given Figure 6 and the corresponding description at page 17, line 23, to page 19, line 29, without undue experimentation.

Independent claims 23, 25, and 27:

The presently claimed invention provides a method, computer program product and system for facilitating communications between a plurality of other data processing systems. (Specification, page 16, lines 21-23) The present invention receives a request in a system independent format from a first data processing system via only a wireless communication link. (Specification, page 16, line 23) The present invention broadcasts the request to a second data processing system via only the wireless communication link. (Specification, page 16, lines 23-26) The present invention receives an answer in a system independent format from the second data processing system via only the wireless communication link. (Specification, page 16, line 31 to page 17, line 1) The present invention broadcasts the answer to the first data processing system via only the wireless communication link. (Specification, page 17, lines 1-3).

The means recited in independent claim 27, as well as dependent claim 28, may be data processing hardware within laptop computer 104, PDA 110 or hub 102 operating under control of software performing the steps described in the specification at page 16, line 16, to page 17, line 22, or equivalent. A person having ordinary skill in the art would be able to derive computer instructions on a computer readable medium as recited in claim 25, as well as dependent claim 26, given Figure 5 and the corresponding description at page 16, line 16, to page 17, line 22, without undue experimentation.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection on appeal are as follows:

- Claims 1-26 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kokubu (U.S. Patent No. 4,868,758) in view of Official Notice.
- Claims 1, 5-7, 9-12, 15, 16, 19, and 20 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Budin et al. (U.S. Patent No. 5,276,703);
- Claims 2, 3, 13, 14, 17, 18, 21, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Budin et al. (U.S. Patent No. 5,276,703) in view of Meltzer et al. (U.S. Patent No. 6,226,675 B1);
- Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Budin et al. (U.S. Patent No. 5,276,703) and Meltzer et al. (U.S. Patent No. 6,226,675 B1) in view of Sopko (U.S. Patent No. 6,003,068);
- Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Budin et al. (U.S. Patent No. 5,276,703) and Meltzer et al. (U.S. Patent No. 6,226,675 B1) in view of Koperda (U.S. Patent No. 5,790,806);
- Claims 23-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Beswick et al. (U.S. Patent No. 6,480,580 B1) in view of Meltzer et al. (U.S. Patent No. 6,226,675 B1).

ARGUMENT

I. 35 U.S.C. § 102, Alleged Anticipation, Claims 1, 5-7, 9-12, 15, 16, 19, and 20

The Final Office Action rejects claims 1, 5-7, 9-12, 15, 16, 19, and 20 under 35 U.S.C. § 102(b) as being allegedly anticipated by Budin et al. (U.S. Patent No. 5,276,703). This rejection is respectfully traversed.

As to claims 1, 11, 15, and 19, the Final Office Action states:

Referring to claims 1, 11, 15, and 19, Budin reference discloses a hub (12 of fig. 1); and a plurality of computing devices (14a-g of fig. 1) in physical proximity with the hub (fig. 1); wherein each of the plurality of computing devices communicates with the hub via only a wireless connection (eg. Devices 14a-g is communicated with the wireless hub via wireless only (col. 6, lines 46-58); the hub receives and retransmits requested documents (eg. information) between selected computing devices of the plurality of computing devices (Abstract; Figure 1; and col. 5, lines 59 through col. 6, lines 2); each of the plurality of computing devices translates each requested document into a system independent language (eg. converts information from the format being utilized over wireless) prior to transmitting the requested document to the hub, and each of the plurality of computing devices translates each received document from the hub (col. 6, lines 66 through col. 7, 1st paragraph).

Final Office Action dated October 5, 2004, pages 3-4.

Claim 1 reads as follows:

1. A system for providing dynamically shared documents, comprising:
a hub, wherein the hub is not connected to any external network; and
a plurality of computing devices in physical proximity with the hub;
wherein
each of the plurality of computing devices communicates with the hub via
only a wireless connection;
the hub receives and retransmits requested documents between selected
computing devices of the plurality of computing devices;
each of the plurality of computing devices translates each requested
document into a system independent language prior to transmitting the requested
document to the hub; and
each of the plurality of computing devices translates each received
document from the hub.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are

in the claims. *In re bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 21 U.S.P.Q.2d 1031, 1034 (Fed Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Appellants respectfully submit that Budin does not teach every element of the claimed invention arranged as they are in the claims. Specifically, Budin does not teach a hub, wherein the hub is not connected to any external network.

Budin is directed to a local area network including at least one hub unit, at least one associated station unit and a wireless communication link between each hub unit and its associated station units. The communication link includes a wireless down-link channel for transferring information from each hub unit to its associated station units and a wireless up-link channel for transferring information from each station unit to its associated hub unit.

The Office Action alleges that Budin teaches a hub. Appellants are not merely claiming a hub, but a hub that is not connected to any external network. Even though this limitation is the subject of a rejection under 35 U.S.C. § 112, first paragraph, the Final Office Action indicates that this limitation was entered and made of record. Additionally, Appellants have provided ample support for this limitation from Appellants' own disclosure. Therefore, the Budin reference is required to teach every element of the claimed invention. While Budin may teach a hub, the hub is clearly connected to an external network as shown in Figure 3, which is shown as follows:

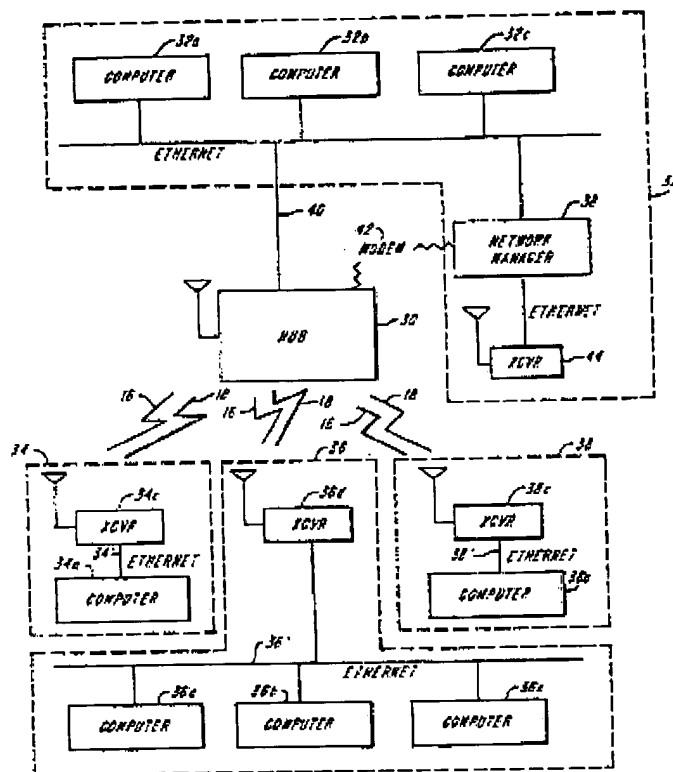


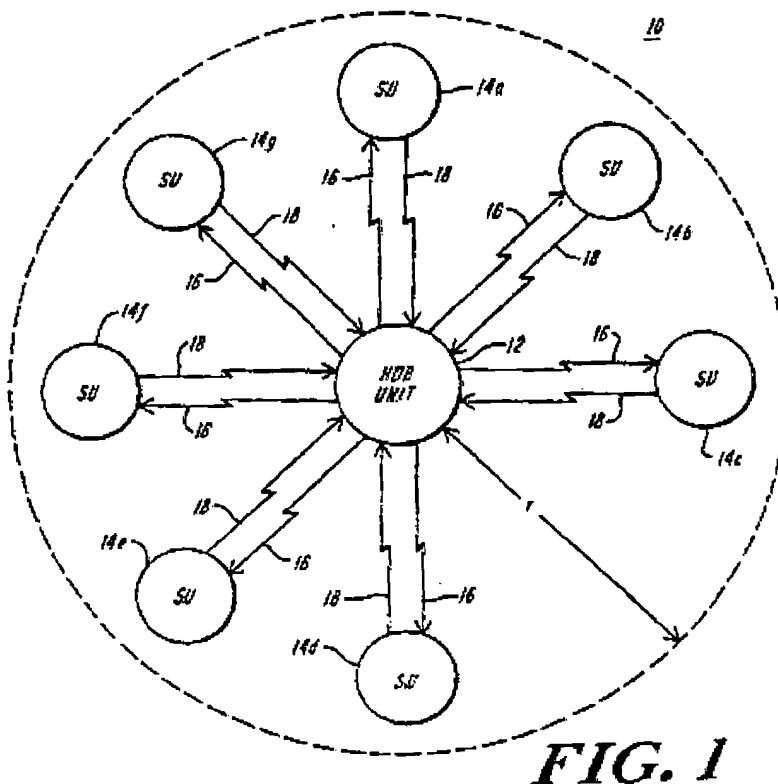
FIG. 3

As can be seen in this figure and as described in Budin's supporting documentation, the hub 30 is connected to network 32 by way of a wired interconnection 40. The hub 30 is also in connected to network manager 38 via modem 42 and a wireless transceiver 44. Thus, Budin teaches a hub that is connected to a network using three different methods.

The Advisory Action dated January 21, 2005, states:

Applicants argues in pages 11-12 for claims 1, 11, 15 and 19 respectively that Budin et al. (Hereafter Budin) U.S. Patent 5,276,703 does not disclose, teach or suggest the hub, wherein the hub is not connected to any external network. The examiner respectfully submits that with respect to figure 1 of Budin invention discloses a Hub Unit (HU) 12 and a plurality of Subscriber units (SUs) 14a-14g are wirelessly communicates and wherein the Hub is not connected to any external network. Budin further discloses in figure 3 an alternative embodiment of the invention wherein Hub 30 acts as a central controller for a plurality of networks 32, 34, 36, and 38, both hardwired and wireless. Budin's figure 3 shows that the hub and plurality of networks are communicate on a single network which is not connected to an external network.

Figure 1 of Budin and the related description in column 6, lines 47-58 read as follows:



(Figure 1)

FIG. 1 shows a wireless multiple access communication network 10 according to the invention. The system of FIG. 1 includes a Hub Unit (HU) 12 in radio communication with a plurality of Subscriber Units (SUs) 14a-14g. All transmissions from the HU 12 to the SUs 14a-14g are over a channel 16. That channel operates at a frequency of 5.78 GHz in the depicted embodiment. All transmissions from the SUs 14a-14g to the HU 12, are over an up-link channel 18. The SU to HU transmission frequency is 2.44 GHz. Both channels, 16 and 18 thus operate at frequencies at which significant reflections occur from local objects.

(Column 6, lines 47-58)

While this figure and section of Biding shows a hub communicating with subscriber units, Budin does not teach whether the hub is or is not connected to a network. One of ordinary skill in the art would have to look to the entire teachings of Budin. Thus, Appellants refer to Figure 3 and the related description. As discussed above, Figure 3 describes a hub 30 that is connected to network 32 by way of a wired interconnection 40. The hub 30 is also in connected to network

manager 38 via modem 42 and a wireless transceiver 44. Furthermore, Budin also states in column 7, lines 54-63 the following:

As in the case of the system of FIG. 1, the HU 30 receives transmissions over channel 18 from the various wireless transceivers and retransmits them over channel 16 to all devices in its Effective Service Area. It also sends this same information over a wired connection 40 to bus 32'. Information transmitted to the HU 30 from the bus 32' is also broadcast to all wireless transceivers. As can be seen from network 36, a single wireless transceiver may support a plurality of data terminals operating over a hardwired network.

In this section Budin specifically teaches that the information that is sent and received from the subscriber units is also sent over the wired connection 40 to bus 32. Bus 32 is an Ethernet bus which is a Local Area Network. Appellants respectfully submit that the communication of information from the hub to the Local Area Network is not equivalent to a hub that is not connected to any external network. The LAN of Budin is a network, which is external to the hub.

A similar distinction applies to independent claims 11, 15, and 19, which recite "sending, from a first data processing system, a request, in a system independent language, for a shared document from a second data processing system to a hub in close proximity to the first and second data processing systems via only a wireless communication signal, wherein the hub is not connected to any external network; receiving, from the hub, via only the wireless communication link, the shared document, formatted in the system independent language; and translating the shared document from the system independent language into a first data processing system preferred data format for presentation to a user." As Budin teaches communications between a wireless communication device through a hub, which is connected to a external network through numerous means, there is no teaching in the Budin reference for the wireless communication devices to communicate to each other through the hub, which is not connected to any external network.

Thus, Budin does not teach each and every feature of independent claims 1, 11, 15, and 19 as is required under 35 U.S.C. § 102. At least by virtue of their dependency on independent claims 1, 11, 15, and 19, the specific features of dependent claims 5-7, 9, 10, 12, 16, and 20 are not taught by Budin. Accordingly, Appellants respectfully request withdrawal of the rejection of claims 1, 5-7, 9-12, 15, 16, 19, and 20 under 35 U.S.C. § 102.

Furthermore, Budin does not teach, suggest or give any incentive to make the needed changes to reach the presently claimed invention. Absent the Examiner pointing out some teaching or incentive to implement Budin such that a hub is not connected to any external network, one of ordinary skill in the art would not be led to modify Budin to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion or incentive to modify Budin in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the Appellants' disclosure as a template to make the necessary changes to reach the claimed invention.

I.A. 35 U.S.C. § 102, Alleged Anticipation of Claim 7

With regard to claim 7, Budin does not teach where at least one of the plurality of computing devices is portable. The Final Office Action alleges this feature is taught at Figure 1 and column 6, line 47-58, shown above. In this figure and section, Budin describes a plurality of subscriber units that are connected to a hub. However, in Figure 2 and Budin's supporting description, subscriber units are described as being comprised of a data terminal, a wireless transceiver and a network interface. Appellants respectfully submit that such a subscriber unit is not readily portable.

Therefore, in addition to being dependent on independent claim 1, dependent claim 7 is also distinguishable over Budin by virtue of the specific features recited in this claim. Accordingly, Appellants respectfully request withdrawal of the rejection of claim 7 under 35 U.S.C. § 102.

I.B. 35 U.S.C. § 102, Alleged Anticipation of Claim 9

With regard to claim 9, Budin does not teach wherein transmissions between each of the plurality of computing devices and the hub are infrared transmissions. The Final Office Action alleges that this feature is taught at column Figure 1, shown above. The supporting description of Figure 1, also shown above, describes the operation of the Budin system at the 5.78 GHz and 2.24 GHz frequencies which are super high and ultra high radio frequencies and, thus, not

infrared transmissions.

The Advisory Action dated January 21, 2005, states:

In page 15, that applicant argues for claim 9 that the cited reference does not disclose or teach wherein transmissions between each of the plurality of computing devices and the hub are infrared transmission. The examiner respectfully submits that the infrared transmission is the invisible radiation wavelength which can be translated as wireless transmission, which is disclosed in Budin's reference.

While infrared transmission can be translated as wireless transmission, as discussed above, Budin teaches the operation of the Budin system at the 5.78 GHz and 2.24 GHz frequencies which are super high and ultra high radio frequencies and, thus, not infrared transmissions which as acknowledged by the Examiner are in the invisible radiation wavelength and not in the super high and ultra high radio frequencies.

Therefore, in addition to being dependent on independent claim 1, dependent claim 9 is also distinguishable over Budin by virtue of the specific features recited in this claim. Accordingly, Appellants respectfully request withdrawal of the rejection of claim 9 under 35 U.S.C. § 102.

II. 35 U.S.C. § 103, Alleged Obviousness, Claims 2, 3, 13, 14, 17, 18, 21, and 22

The Final Office Action rejects claims 2, 3, 13, 14, 17, 18, 21, and 22 under 35 U.S.C. § 103(a) as being unpatentable over Budin et al. (U.S. Patent No. 5,276,703) in view of Meltzer et al. (U.S. Patent No. 6,226,675 B1). This rejection is respectfully traversed.

Claims 2, 3, 13, 14, 17, 18, 21, and 22 are dependent on independent claims 1, 11, 15, and 19 and, thus, these claims distinguish over Budin for at least the reasons noted above with regards to claims 1, 11, 15, and 19. Moreover, Meltzer does not provide for the deficiencies of Budin and, thus, any alleged combination of Budin and Meltzer would not be sufficient to reject independent claims 1, 11, 15, and 19 or claims 2, 3, 13, 14, 17, 18, 21, and 22 by virtue of their dependency. That is, Meltzer does not teach a hub that is not connected to any external network.

Moreover, the Office Action may not use the claimed invention as an "instruction manual" or "template" to piece together the teachings of the prior art so that the invention is rendered obvious. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Such

reliance is an impermissible use of hindsight with the benefit of Appellants' disclosure. *Id.* Therefore, absent some teaching, suggestion, or incentive in the prior art, Budin and Meltzer cannot be properly combined to form the claimed invention. As a result, absent any teaching, suggestion, or incentive from the prior art to make the proposed combination, the presently claimed invention can be reached only through an impermissible use of hindsight with the benefit of Appellants' disclosure a model for the needed changes.

In view of the above, Budin and Meltzer, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claims 1 and 18, from which claims 2, 3, 13, 14, 17, 18, 21, and 22 depend. Accordingly, Appellants respectfully request withdrawal of the rejection of claims 2, 3, 13, 14, 17, 18, 21, and 22 under 35 U.S.C. § 103.

III. 35 U.S.C. § 103, Alleged Obviousness, Claim 4

The Final Office Action rejects claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Budin et al. (U.S. Patent No. 5,276,703) and Meltzer et al. (U.S. Patent No. 6,226,675 B1) in view of Sopko (U.S. Patent No. 6,003,068). This rejection is respectfully traversed.

Claim 4 is dependent on independent claim 1; thus, this claim distinguishes over Budin for at least the reasons noted above with regards to claim 1. Moreover, Sopko does not provide for the deficiencies of Budin and Meltzer and, thus, any alleged combination of Sopko, Budin and Meltzer would not be sufficient to reject claim 1 or claim 4 by virtue of its dependency. That is, Sopko does not teach or suggest a hub that is not connected to any external network, as recited in claim 1 from which claim 4 depends. Accordingly, Appellants respectfully request withdrawal of the rejection of claim 4 under 35 U.S.C. § 103(a).

IV. 35 U.S.C. § 103, Alleged Obviousness, Claim 8

The Final Office Action rejects claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Budin et al. (U.S. Patent No. 5,276,703) and Meltzer et al. (U.S. Patent No. 6,226,675 B1) in view of Koperda (U.S. Patent No. 5,790,806). This rejection is respectfully traversed.

Claim 8 is dependent on independent claim 1, thus, this claim distinguishes over Budin for at least the reasons noted above with regards to claim 1. Moreover, Koperda does not provide for the deficiencies of Budin and Meltzer and thus, any alleged combination of Koperda, Budin and Meltzer would not be sufficient to reject claim 1 or claim 8 by virtue of its dependency. That is, Koperda does not teach or suggest a hub that is not connected to any external network, as recited in claim 1 from which claim 8 depends. Accordingly, Appellants respectfully request withdrawal of the rejection of claim 8 under 35 U.S.C. § 103(a).

V. 35 U.S.C. § 103, Alleged Obviousness, Claims 23-29

The Final Office Action rejects claims 23-29 under 35 U.S.C. § 103(a) as being unpatentable over Beswick et al. (U.S. Patent No. 6,480,580 B1) in view of Meltzer et al. (U.S. Patent No. 6,226,675 B1). This rejection is respectfully traversed.

As to claims 23, 25 and 27, the Final Office Action states:

Referring to claims 23, 25, 27, and 29, Beswick reference disclose a wireless hub (eg. wireless hub 102 of Figure 1) which is receiving and broadcasting the request and response between from the plurality of computing devices (eg. devices 104a-n) via only a wireless communication link; however, Beswick fail to disclose the request and the response between the devices are in the form of a system independent language.

Meltzer reference disclose each of the plurality of computing devices translates each requested document into a system independent language (ex: xml to java) prior to transmitting the requested document to the hub (ex: Router) (fig. 12; and col. 78, lines 44-60); and each of the plurality of computing devices translates (ex: java to xml) each received document from the hub (router).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Meltzer's teaching into Beswick's method to translates each requested document into a system independent language before sending and receiving from the hub; because by translating the document to the independent language, it will be allowed companies exchange information and services using self-defining, machine-readable documents, such as XML based documents, that can be easily understood amongst the partners.

Final Office Action dated October 5, 2004, page 7.

The differences between the Bcswick reference and the presently claimed invention have been discussed at length in the Responses file July 7, 2003, November 24, 2003, and July 16, 2004. Appellants have previously argued that the Beswick reference does not teach or suggest,

with respect to claims 23, 25, and 27, receiving a request in a system independent format from a first data processing system via only a wireless communication link, broadcasting the request to a second data processing system via only the wireless communication link, receiving an answer in a system independent format from the second data processing system via only the wireless communication link, and broadcasting the answer to the first data processing system via only the wireless communication link. As claims 23, 25, and 27 are directed to the method, program and system of the hub, Beswick does not teach or suggest that the hub, which is not connected to any external network, would allow communications between the connected wireless communications devices. More importantly, the Beswick hub is configured to allow communications between the wireless communication devices and the various resources provided by the external networks. The Beswick reference neither teaches nor suggests communications only and directly between the devices connected to the hub.

Thus, in the system of Beswick, the communication devices are configured to access the computer telephony system provided by the external network. And though the communication devices communicate via a wireless connection to the hub, there is nothing in this section or any other section of Beswick, that teaches or suggest features as presented in claims 23, 25, and 27. Furthermore, Beswick teaches that a user selects a device and logs on the network telephony system using the selected device. Thus, the Beswick system is not intended to be used without the external network.

Meltzer does not provide for the deficiencies of Beswick. While Meltzer may teach the translation of documents into a system independent language, Metzler does not teach a wireless network where a request is received in a system independent format from a first data processing system via only a wireless communication link, the request is broadcasted to a second data processing system via only the wireless communication link, an answer is received in a system independent format from the second data processing system via only the wireless communication link, and the answer is broadcasted to the first data processing system via only the wireless communication link

Moreover, there is not so much as a suggestion in the Beswick or Meltzer references to modify the references to include such features. That is, there is no teaching or suggestion in Beswick or Meltzer that a problem exists for which receiving a request in a system independent

format from a first data processing system via only a wireless communication link, broadcasting the request to a second data processing system via only the wireless communication link, receiving an answer in a system independent format from the second data processing system via only the wireless communication link, and broadcasting the answer to the first data processing system via only the wireless communication link, is a solution. To the contrary, Beswick only teaches communications between the wireless communication devices and the various resources provided by the external networks. Meltzer does not teach a wireless network. Neither reference even recognizes a need to create a system having the features recited in claims 23, 25, and 27.

One of ordinary skill in the art, being presented only with Beswick and Meltzer, and without having a prior knowledge of Appellants' claimed invention, would not have found it obvious to combine and modify Beswick and Meltzer to arrive at Appellants' claimed invention. To the contrary, even if one were somehow motivated to combine Beswick and Meltzer, and it were somehow possible to combine the two systems, the result would not be the invention as recited in claim 1. The result would be a hub providing wireless communication from a wireless device to a network. The resulting system still would not allow communication from one wireless computing device to another wireless computing device through a hub not connected to an external network.

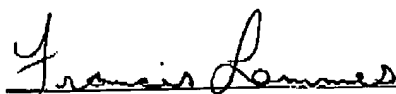
Thus, in view of the above, Appellants respectfully submit that Beswick and Meltzer, taken alone or in combination, fail to teach or suggest the features of independent claims 23, 25, and 27. At least by virtue of their dependency on claims 23, 25, and 27, the specific features of dependent claims 24, 26, and 28 are not taught or suggested by Beswick and Meltzer, either alone or in combination. Accordingly, Accordingly, Appellants respectfully request withdrawal of the rejection of claims 23-29 under 35 U.S.C. § 103(a).

V.A. 35 U.S.C. § 103, Alleged Obviousness, Claim 29

Additionally, claim 29 is dependent on independent claim 1, which is not rejected under the same combination of references. Thus, the rejection of claim 29 is improper and should be withdrawn.

CONCLUSION

In view of the above, Appellants respectfully submit that claims 1-29 are allowable over the cited prior art and that the application is in condition for allowance. Accordingly, Appellants respectfully request the Board of Patent Appeals and Interferences to not sustain the rejections set forth in the Final Office Action.


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CLAIMS APPENDIX

The text of the claims involved in the appeal are:

1. A system for providing dynamically shared documents, comprising:
a hub, wherein the hub is not connected to any external network; and
a plurality of computing devices in physical proximity with the hub; wherein
each of the plurality of computing devices communicates with the hub via only a
wireless connection;
the hub receives and retransmits requested documents between selected
computing devices of the plurality of computing devices;
each of the plurality of computing devices translates each requested document
into a system independent language prior to transmitting the requested document to
the hub; and
each of the plurality of computing devices translates each received document
from the hub.
2. The system as recited in claim 1, wherein the system independent language is a Java
based language.
3. The system as recited in claim 1, wherein the system independent language is an
extensible markup language.

4. The system as recited in claim 1, wherein the hub is portable.
5. The system as recited in claim 1, wherein at least one of the plurality of computing devices is a personal digital assistant.
6. The system as recited in claim 1, wherein at least one of the plurality of computing devices is a laptop computer.
7. The system as recited in claim 1, wherein at least one of the plurality of computing devices is portable.
8. The system as recited in claim 1, wherein transmissions between each of the plurality of computing devices and the hub are encrypted.
9. The system as recited in claim 1, wherein transmissions between each of the plurality of computing devices and the hub are infrared transmissions.
10. The system as recited in claim 1, wherein transmissions between each of the plurality of computing devices and the hub are radio frequency transmissions.
11. A method in a data processing system for retrieving documents from other data processing systems, comprising the steps of:

sending, from a first data processing system, a request, in a system independent language, for a shared document from a second data processing system to a hub in close proximity to the first and second data processing systems via only a wireless communication signal, wherein the hub is not connected to any external network;

receiving, from the hub, via only the wireless communication link, the shared document, formatted in the system independent language; and

translating the shared document from the system independent language into a first data processing system preferred data format for presentation to a user.

12. The method as recited in claim 11, wherein the strength of the wireless communication signal is such that only devices in close proximity with each other may receive the signal, thus ensuring that only authorized recipients receive information conveyed via the wireless communication signal.

13. The method as recited in claim 11, wherein the system independent language is an extensible markup language.

14. The method as recited in claim 11, wherein the system independent language is JAVA.

15. A computer program product in computer readable media for use in a data processing system for retrieving documents from other data processing systems, the computer program product comprising:

first instructions for sending, from a first data processing system, a request, in a system independent language, for a shared document from a second data processing system to a hub in close proximity to the first and second data processing systems via only a wireless communication signal, wherein the hub is not connected to any external network;

second instructions for receiving, from the hub, via only the wireless communication link, the shared document, formatted in the system independent language; and

third instructions for translating the shared document from the system independent language into a first data processing system preferred data format for presentation to a user.

16. The computer program product as recited in claim 15, wherein the strength of the wireless communication signal is such that only devices in close proximity with each other may receive the signal, thus ensuring that only authorized recipients receive information conveyed via the wireless communication signal.

17. The computer program product as recited in claim 15, wherein the system independent language is an extensible markup language.

18. The computer program product as recited in claim 15, wherein the system independent language is JAVA.

19. A system for retrieving documents from other data processing systems, comprising:
means for sending, from a first data processing system, a request, in a system independent language, for a shared document from a second data processing system to a hub in

close proximity to the first and second data processing systems via only a wireless communication signal, wherein the hub is not connected to any external network;

means for receiving, from the hub, via only the wireless communication link, the shared document, formatted in the system independent language; and

means for translating the shared document from the system independent language into a first data processing system preferred data format for presentation to a user.

20. The system as recited in claim 19, wherein the strength of the wireless communication signal is such that only devices in close proximity with each other may receive the signal, thus ensuring that only authorized recipients receive information conveyed via the wireless communication signal.

21. The system as recited in claim 19, wherein the system independent language is an extensible markup language.

22. The system as recited in claim 19, wherein the system independent language is JAVA.

23. A method in a data processing system for facilitating communications between a plurality of other data processing systems, comprising the steps of:

receiving a request in a system independent format from a first data processing system via only a wireless communication link;

broadcasting the request to a second data processing system via only the wireless communication link;

receiving an answer in a system independent format from the second data processing system via only the wireless communication link; and
broadcasting the answer to the first data processing system via only the wireless communication link.

24. The method as recited in claim 23, wherein the wireless communication link utilizes infrared frequencies.

25. A computer program product in a computer readable media for use in a data processing system for facilitating communications between a plurality of other data processing systems, the computer program product comprising:

first instructions for receiving a request in a system independent format from a first data processing system via only a wireless communication link;

second instructions for broadcasting the request to a second data processing system via only the wireless communication link;

third instructions for receiving an answer in a system independent format from the second data processing system via only the wireless communication link; and

fourth instructions for broadcasting the answer to the first data processing system via only the wireless communication link.

26. The computer program product as recited in claim 25, wherein the wireless communication link utilizes infrared frequencies.

27. A system in a data processing system for facilitating communications between a plurality of other data processing systems, comprising:

means for receiving a request in a system independent format from a first data processing system via only a wireless communication link;

means for broadcasting the request to a second data processing system via only the wireless communication link;

means for receiving an answer in a system independent format from the second data processing system via only the wireless communication link; and

means for broadcasting the answer to the first data processing system via only the wireless communication link.

28. The system as recited in claim 27, wherein the wireless communication link utilizes infrared frequencies.

29. The system as recited in claim 1, wherein the hub is a wireless hub which communicates with computing devices via only wireless communication links.

EVIDENCE APPENDIX

There is no evidence to be presented.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.